

# **Report to the Board of Adjustment**

Prepared by the Maricopa County Planning and Development Department

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**Case: BA2006071**

Variance

Hearing Date:

August 9, 2006

Agenda Item:

10

Supervisory District:

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**Applicant/Owner:**

Jose Alfred Valdez

**Request:**

**Variance to:**

Permit a proposed detached accessory structure (RV garage) to setback 10 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district.

**This variance is requested from the following Zoning Ordinance Section(s):**

Section 503, Article 503.4.2

**Site Location:**

3028 North Mansfield Court – Perryville Road and Thomas Road (Litchfield Park area)

**Site Size:**

46,337 square feet (1.07 acres)

**Existing Zoning:**

Rural-43

**Current Use:**

Residential

**Citizen**

**Support/Opposition:**

None known

**Staff**

**Recommendation:**

**Deny**

## Existing On-Site and Surrounding Zoning:

1. On-site: Rural-43  
North: Rural-43  
South: Rural-43  
East: Rural-43  
West: Rural-43

## Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residence  
North: Single-family residence  
South: Single-family residence  
East: Mansfield Court/single-family residence  
West: Vacant

## Background:

3. **March 19, 2002:** The Litchfield Farms II subdivision was recorded under docket **02-0278135**.
4. **December 10, 2004:** The builder was issued building permit **B200412154** for a single family residence.
5. **August 29, 2005:** The current owner took title to the subject property via a Warranty Deed recorded under docket number **05-1087327**.
6. **February 8, 2006:** The owner was issued building permit **B200517437** for an in-ground swimming pool.
7. **February 27, 2006:** The owner applied for building permit **B200603137** to construct a detached garage on the subject site.
8. **June 23, 2006:** The owner applied for this variance request.

## Findings:

9. **Maricopa County Department of Transportation:** No response at the time this report was written.
10. **Flood Control District:** No objection to the request (see attached e-mail).
11. **Environmental Services Department:** No response at the time this report was written.

12. **Drainage Administration:** No drainage concerns.

### Site Analysis:

13. The subject property is located in the Litchfield Farms II subdivision approximately 500 feet north of Thomas Road and fronts on Mansfield Court. This generally rectangular property is slightly more than one acre and has a northeast/southwest lot orientation. The site is located in the Litchfield Park area and is zoned Rural-43. In addition to the home on the subject site, most of the surrounding homes in the subdivision have been built in the 2005 with only a few older homes built in the general area. The general area is a mix of manufactured and site built homes on large rural lots.
14. Currently, the applicant has an approximately 4,000 square foot, single-family residence, and is proposing a 1,800 square foot accessory structure (RV garage) on the subject site. There is a recently constructed in-ground swimming pool located in the rear yard southwest of the house. The front driveway has been graded, enlarged, and paved to accommodate a relocated RV gate. The developed portion of the site is level and free from any physical or topographical hardships. It appears that site work for the proposed RV garage has begun. The area to the southwest of the residence is a dedicated drainage easement and separated from the home by a CMU wall. The subject site has been cleared of native vegetation, has a few smaller trees and decomposed granite in the front of the house. The property is enclosed by a CMU wall.
15. Access to the subject site is from Perryville Road to the east, via 188<sup>th</sup> Avenue, to Mansfield Court. In this area, Perryville Road is paved, more than 30 feet wide for most of its length, and has a dedicated 60 foot right-of-way. The subject site is located approximately ¼-mile west of the southern entry of the subdivision (Osborn Road). 188<sup>th</sup> Avenue is a 20 foot wide, paved roadway that connects to Mansfield Court located on the eastern property line.
16. The following table is included to illustrate the differences between the underlying zoning district standards and the standards proposed by the applicant.

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	45-feet
Rear Yard Setback	40-feet	127-feet
Side Yard Setback	30-feet	<b>10.2-feet</b>
Street Side Setback	20-feet	n/a
Maximum Height	30 feet/2 stories	18 feet/ 1 story
Minimum Lot Area	43,560 square feet	46,337 square feet
Minimum Lot Width	145-feet	201.84-feet
Existing Lot Coverage	15%	12.5%

\*Standards indicated in **bold** do not meet minimum base zoning standards.



Aerial view of subject property and surrounding area

### **Land Use Analysis:**

17. The subject site is located in the Litchfield Farms II subdivision in a large Class IIa County Island, at the southwest corner of the intersection of Indian School Road and Perryville Road. This is a relatively new subdivision, recorded in 2002. Litchfield Farms II contains approximately 192 units on 238 acres, all of which are zoned Rural-43. There are a few undeveloped parcels remaining in the subdivision. Most of the adjacent parcels on the south side of Mansfield Road have had single family homes built on them over the past 18 months and have newly landscaped yards or are still in the process of landscaping. In 2002, the City of Buckeye annexed south of Thomas Road and the Town of Goodyear lies to the east of Perryville Road. The Arizona State Prison Complex at Perryville is located approximately one mile to the southeast.
18. Staff found evidence of three Board of Adjustment cases, one within Litchfield Farms II and another case in Litchfield Heights Unit 2. The requests relevant to this case are detailed below:

- Case **BA2006058** was a request to permit a proposed detached accessory structure (RV garage) to setback 15 feet from the side (north) property line where 30 feet is the minimum required. The request was denied by the Board of Adjustment. This property is located adjacent to the subject site at 3020 North Mansfield Court.
- Case **BA2004154** was a request to permit a proposed detached accessory structure (RV garage) to setback 12 feet from the side (south) property line where 30 feet is the minimum required. The request was approved by the Board of Adjustment based on the unusual lot configuration of the subject site. This property is located approximately  $\frac{3}{4}$  of a mile north of the subject site at 3713 North Mansfield Drive.
- Case **BA2002011** was requests to permit: 1) a proposed detached garage to setback 22 feet from the side (west) property line where 30 feet is the minimum required; and 2) a proposed separation distance of 13 feet between structures where 15 feet is the minimum required. The Board denied these requests. This property is located approximately  $1\frac{3}{4}$  miles northwest of the subject site at 19624 West Meadowbrook Avenue

## Plan Analysis:

19. This is a request to permit a proposed detached accessory structure (RV garage) to setback 10 feet from the side (south) property line where 30 feet is the minimum required in the Rural-43 zoning district. The applicant has submitted plans for a building permit to build approximately 1,800 square foot RV garage within the south side yard setback. The applicant is requesting to vary the side yard standard because more than 12,000 square feet of the subject site are located in a dedicated drainage easement and nothing can be built in that portion of the subject site.
20. Staff notes that there is a dedicated drainage easement that sets aside 25% of the subject site for drainage purposes. This easement is in place on all the properties on the west side of Mansfield Drive and Mansfield Court and crosses the rear of 14 properties on the southwestern side of the subdivision. A plat note in the RUPD for Litchfield Farms II subdivision states that "No above grade structures, including fences may be constructed within designated drainage easements...." It appears however, that the drainage easement did not alter the siting of the applicant's house or the more recently built in-ground pool on the subject site.
21. In the Supplemental Questionnaire, the applicant states that "because I can not do anything with the back portion of my land (approx. (sic) 12,000 sq/ft), I am only left with 34,993 sq/ft. According to the zoning requirements, that actually puts me under the 35,000 sq/ft area (zone R1-18). The standard requirement for that are 10ft from the interior side." Unfortunately, this property is zoned R-43 and the reduction in use caused by the dedicated drainage easement does not change the underlying zoning

requirements. Staff assumes that when the applicant purchased the property it was disclosed by the seller that the drainage easement could not be built in and that it reduced the overall buildable area.

22. The owner of the adjacent property to the south also submitted a building permit for a proposed detached garage to be built in the side yard setbacks. The Board of Adjustment heard that case on July 12, 2006 and denied the requested side yard setback variance for a similar RV garage. One variance request has been granted to another owner in the Litchfield Farms II subdivision and the approval in that particular case was based on an unusual lot configuration and there is no designated drainage easement on that property.
23. Staff believes that there are alternatives to the placement of the proposed RV garage. The RV garage could remain the same size, 30 feet by 50 feet, and be placed within the building envelope and maintain the 15 minimum building separation by placing it parallel to the residence. More than half of the garage would remain behind the existing CMU wall but the remainder would be placed in front of that wall. The front of the RV garage would be setback 70 feet from the property line. This placement would maintain the overall size of the RV garage and not require a side yard setback variance. The three car garage in the residence could still be accessed with some reduction of the turning area in the drive. This placement would make the RV garage look imposing at the front of the property with the 18 foot high garage much closer to the road.
24. A second alternative would be to reduce the size of the proposed RV garage to the size of a standard plan RV garage, a minimum of 18 feet by 34 feet, and place it to within the building envelope and maintain the 15 minimum building separation by placing it parallel to the residence and 12 feet behind the front wall in the northeastern corner of the site. This alternative would require reducing the overall size of the garage but it would setback further into the building envelope. This would reduce the impression of the 18 foot height by moving it rearward and make it visually less imposing. The overall size of the RV garage can be increased as the garage is moved to the west. As stated in the previous paragraph, there is adequate area within the existing building envelope, either by moving the proposed RV garage or by reducing its size, to relocate the proposed garage without the need for a variance.
25. Staff believes the existing dedicated drainage easement does not represent a topographical or physical hardship since it is platted within this subdivision. A reasonable use of the property exists without varying the zoning requirements. Since there are viable alternatives available to the applicant, staff recommends denial of this variance request.

**Recommendation:** (BA2006071)

26. Staff recommends **denial** of this variance request based on the following:
- The dedicated drainage easement does not represent a hardship.
  - There is a reasonable use and enjoyment of the property without the requested variance.
  - The request conflicts with the intent of the Zoning Ordinance and may have a negative impact on surrounding properties.
27. If the Board finds that a reasonable use of the property cannot be made without these variances, then these requests may be approved, subject to the following stipulations:
- a) General compliance with the site plan dated received June 23, 2006.
  - b) The applicant shall obtain all necessary permits within 120 days of Board approval.

mjlw

**Attachments:** Case Map BA2006071  
Zoning Map  
Assessor Map  
Site Plan  
RV garage elevation and floor plan (2 pages)  
Application  
Supplemental Questionnaire  
Applicant photos (3 pages)  
FCD e-mail